

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

**Criminal Misc. No. M- 10105 of 2017(O&M)**

**Date of Decision: October 30 , 2017.**

Gurpeet Singh ..... PETITIONER(s)

**Versus**

State of Punjab and another ..... RESPONDENT (s)

**CORAM:- HON'BLE MRS.JUSTICE LISA GILL**

Present: Mr. Munish Raj Chaudhary, Advocate  
for the petitioner.

Mr. Rahul Rathore, DAG, Punjab.

Mr. L.S.Lakhanpal, Advocate for  
Mr. Sushil K.Verma, Advocate  
for the complainant/respondent No.2.

\*\*\*\*\*

**LISA GILL, J.**

Prayer in this petition is for quashing of FIR No.18 dated 28.02.2017 under Sections 406/498A IPC registered at Police Station Women, District Police Commissionerate, Ludhiana and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

The abovesaid FIR was registered at the instance of respondent No.2 due to matrimonial discord with her husband i.e., the petitioner. With the intervention of respectables and relatives, a compromise was arrived at between the parties, the terms of which were reduced into writing on 17.03.2017

(Annexures P2 and P3). It is informed that the petitioner and respondent No.2 are now living together in their matrimonial home.

This Court on 26.04.2017 directed the parties to appear before learned Illaqa Magistrate for recording their statements in respect to the above-mentioned compromise. Learned Illaqa Magistrate was directed to submit a report regarding the genuineness of the compromise, as to whether it has been arrived at out of the free will and volition of the parties without any coercion, fear or undue influence. Learned Illaqa Magistrate was also directed to intimate whether the accused are absconding/proclaimed offenders and whether any other case is pending against them. Information was sought as to whether all affected persons are a party to the settlement.

Pursuant to order dated 26.04.2017, the parties appeared before the learned Judicial Magistrate First Class, Ludhiana and their statements were recorded on 05.05.2017. Respondent No.2 stated that the matter has been amicably resolved with the petitioner. The settlement, it is stated, has been arrived at out of her own free will without any pressure or coercion. Respondent No.2 stated that she has no objection in case the abovesaid FIR against the accused petitioner is quashed. Statement of the petitioner in respect to the settlement was recorded as well.

As per report dated 12.05.2017 received from the learned Judicial Magistrate First Class, Ludhiana, it is opined that the compromise between the parties is genuine, arrived at without any pressure or coercion from any corner. The petitioner is not reported to be proclaimed offender. Statements of the parties are appended alongwith the said report.

Learned counsel appearing for respondent No.2 reaffirms and

verifies the factum of settlement between the parties. It is reiterated that respondent No.2 has no objection to the quashing of the abovementioned FIR subject to strict adherence to the terms and conditions of the settlement by the petitioner.

Learned counsel for the State submits that as the abovesaid FIR arises out of a matrimonial dispute, the State has no objection to the quashing of the FIR in question as well as all consequential proceedings on the basis of a settlement arrived at between the parties.

In **Kulwinder Singh and others versus State of Punjab and another** 2007 (3) R.C.R. (Criminal) 1052, a five member Bench of this Court has observed as under:-

*“The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of the Criminal Procedure Code is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is “finest hour of justice”.*

The Hon'ble Supreme Court in **B.S.Joshi and others v. State of Haryana, 2003(4) SCC 675** has observed that it becomes the duty of the Court to encourage genuine settlements of matrimonial disputes.

Keeping in view the facts and circumstances of this case, it would be in the interest of justice to quash the abovesaid FIR as no useful purpose would be served by continuance of the present proceedings. It will merely lead to wastage of precious time of the court and would be an exercise in futility.

This petition is, thus, allowed and FIR No.18 dated 28.02.2017 under Sections 406/498A IPC registered at Police Station Women, District Police Commissionerate, Ludhiana alongwith all consequential proceedings are,

hereby, quashed.

However, liberty is afforded to the complainant/respondent No.2 to file necessary application for revival of the proceedings in the above said FIR, in case the terms and conditions of settlement between the parties are not adhered to by the petitioner or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

October 30 , 2017.  
'om'

**( LISA GILL )**  
**JUDGE**

|                            |        |
|----------------------------|--------|
| Whether speaking/reasoned: | Yes/No |
| Whether reportable:        | Yes/No |